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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/29/2001

Nathan Henderson

06-540

2943

20306

7590

04/26/2007

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP

300 S. WACKER DRIVE

32ND FLOOR

CHICAGO, IL 60606

EXAMINER

CAO, CHUN

ART UNIT

PAPER NUMBER

2115

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/942,789

Applicant(s)

HENDERSON ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

1. Claims 1-27 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hwang et al. (Hwang), U.S. publication no. 2002/0188875¹.

As per claim 1, Hwang discloses a computer system comprising:

a host processor including resources supporting a full power mode, a lower power mode and a power down mode; and a network interface coupled to the host processor via a system bus, and coupled to a network [fig. 4; paragraphs 0009, 0070] , the network interface comprising:

a memory that stores data packets in transit between the host processor and the network [Figure 3; paragraph 0024];

¹ Hwang is cited in prior office action.

a medium interface unit coupled to network media supporting at least a high speed protocol and a lower speed protocol [paragraph 0024];

a voltage detector for detecting power supply voltage on the system bus [paragraphs 0075, 0083]; and

power management logic which forces the medium interface unit from high speed protocol to the lower speed protocol in response to an event detected by the voltage detector signally entry of said lower power mode [figure 6; paragraphs 0078, 0082, 0084].

As per claim 2, Hwang discloses that the network interface in said lower power mode consumes less than a specified power when executing said lower speed protocol, and consumes greater than the specified power when executing said high speed protocol [paragraph 0082].

As per claim 3, Hwang discloses that the network interface in said lower power mode consumes less than a specified power of about 1.3 watts, and the network interface requires greater than the specified power to support said high speed protocol [paragraph 0053].

As per claim 4, Hwang discloses that the network interface includes logic operating in the lower power mode using the lower speed protocol to detect a pattern in incoming packets, and in response to detection of said pattern, to issue a reset signal to the host processor [paragraph 0072].

As per claim 5, Hwang discloses that the medium interface unit comprises circuitry for formatting packets according to protocols compliant with 10 Megabit, 100

Megabit and Gigabit Ethernet protocol standards, and wherein said high speed protocol is Gigabit Ethernet, and said lower speed protocol is one of 10 Megabit Ethernet and 100 megabit Ethernet [paragraph 0024].

As per claim 6, Hwang discloses that the medium interface unit comprises circuitry for formatting packets according to a protocol compliant with an InfiniBand protocol standard, and wherein said high speed protocol is InfiniBand [paragraph 0024].

As per claim 7, Hwang discloses that host processor monitors the network interface for a wake up event involving a loss of link or a change of link on the network interface, and wherein said power management logic blocks signals indicating said wake up event for a time interval during the power management logic circuitry forces the medium interface unit to the lower speed protocol [Figure 6; paragraphs 0082-0084]

As per claim 8, Hwang discloses event detected by the voltage detector signaling lower power mode is a signal generated by the host processor [paragraphs 0082-0084].

As per claim 9, Hwang discloses that the system bus has a full power mode, a lower power mode and a power down mode, and said event detected by the voltage detector signaling lower power mode comprises a loss of power on the system bus [paragraphs 0073; 0082-0084].

As to claims 10-18, claims 1-9 basically are the corresponding elements that are carried out the method of operating steps in claims 10-18. Accordingly, claims 10-18 are rejected for the same reason as set forth in claims 1-9.

As to claims 19-27 are contained the same limitations as claims 1-9. Therefore, same rejection is applied.

5. Applicant's arguments filed 2/08/2007 have been fully considered but are not persuasive in view of new ground(s) rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

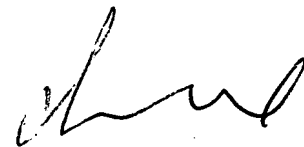
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April. 24, 2007



CHUN CAO
PRIMARY EXAMINER